

[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re LIDODERM ANTITRUST LITIGATION

MDL Docket No. 14-md-02521 WHO

This document relates to ALL CASES

**DECLARATION OF DENA C. SHARP IN
SUPPORT OF END-PAYOR PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

1 I, Dena C. Sharp, hereby declare under penalty of perjury:

2 1. I am a partner at Girard Gibbs LLP and am admitted to practice in the Northern District
3 of California. I serve as court-appointed Interim Co-Lead Counsel for End-Payor Plaintiffs and submit
4 this declaration in support of End-Payor Plaintiffs' Motion for Class Certification.

5 **Documents Produced by Defendants**

6 2. Attached as **Exhibit 1** is a true and correct copy of deposition exhibit 1334 (Bates
7 numbers ENDO-LID-AT-000608556-000608572).

8 3. Attached as **Exhibit 2** is a true and correct copy of deposition exhibit 1038.

9 4. Attached as **Exhibit 3** is a true and correct copy of TEI-AT0244032-0244036.

10 5. Attached as **Exhibit 4** is a true and correct copy of deposition exhibit 1369 (Bates
11 numbers ENDO-LID-AT-000188635-000188636).

12 6. Attached as **Exhibit 5** is a true and correct copy of deposition exhibit 1085 (Bates
13 numbers ACTLIDODERM00788462-00788473).

14 7. Attached as **Exhibit 6** is a true and correct copy of deposition exhibit 1351 (Bates
15 numbers ENDO-LID-AT-000693013-000693022).

16 8. Attached as **Exhibit 7** is a true and correct copy of deposition exhibit 1353 (Bates
17 numbers ACTLIDODERM00760939-00760940).

18 9. Attached as **Exhibit 8** is a true and correct copy of deposition exhibit 1243 (Bates
19 number ACTLIDODERM00558421-00558422).

20 10. Attached as **Exhibit 9** is a true and correct copy of deposition exhibit 1693 (Bates
21 number ACTLIDODERM00478948).

22 11. Attached as **Exhibit 10** is a true and correct copy of deposition exhibit 1096 (Bates
23 numbers ACTLIDODERM00479299-00479300).

24 12. Attached as **Exhibit 11** is a true and correct copy of deposition exhibit 1339 (Bates
25 numbers ENDO-LID-AT-000189227-000189248).

26 13. Attached as **Exhibit 12** is a true and correct copy of deposition exhibit 1340 (Bates
27 numbers ENDO-LID-AT-000170002-000170024).

14. Attached as **Exhibit 13** is a true and correct copy of excerpts of deposition exhibit 1259.

15. Attached as **Exhibit 14** is a true and correct copy of excerpts of deposition exhibit 1260 (*ViroPharma, Inc. v. Margaret A. Hamburg and Akora, Inc., et al.*, No. 1:12-cv-00584-ESH, Memorandum Opinion, ECF No. 33 (D.D.C. Apr. 23, 2013)).

16. Attached as **Exhibit 15** is a true and correct copy of deposition exhibit 1258 (Bates number ACTLIDODERM00492261-00492263).

17. Attached as **Exhibit 16** is a true and correct copy of deposition exhibit 1296 (Bates number ENDO-LID-AT-000328234-000328235).

18. Attached as **Exhibit 17** is a true and correct copy of deposition exhibit 1661 (Bates numbers TEI-AT0283567-0283572).

19. Attached as **Exhibit 18** is a true and correct copy of deposition exhibit 1073 (Bates numbers ACTLIDODERM00431858-00431859).

20. Attached as **Exhibit 19** is a true and correct copy of excerpts of ACTLIDODERM00502776.

21. Attached as **Exhibit 20** is a true and correct copy of deposition exhibit 1071 (Bates numbers ACTLIDODERM00110577-00110581).

22. Attached as **Exhibit 21** is a true and correct copy of deposition exhibit 1125 (Bates number ACTLIDODERM00734635).

23. Attached as **Exhibit 22** is a true and correct copy of deposition exhibit 1074 (Bates numbers ACTLIDODERM00459277-00459289).

24. Attached as **Exhibit 23** is a true and correct copy of deposition exhibit 1078 (Bates number ACTLIDODERM00153733).

25. Attached as **Exhibit 24** is a true and correct copy of deposition exhibit 1081 (Bates numbers ACTLIDODERM00762939-00762955).

26. Attached as **Exhibit 25** is a true and correct copy of deposition exhibit 1039 (Bates numbers ENDO-LID-AT-002011726-002011727).

27. Attached as **Exhibit 26** is a true and correct copy of deposition exhibit 1659 (Bates numbers TEI-AT0304730-0304739), along with a color version of the same document provided after the deposition by Teikoku's counsel.

28. Attached as **Exhibit 27** is a true and correct copy of deposition exhibit 1137 (Bates numbers ACTLIDODERM00548687-00548691).

29. Attached as **Exhibit 28** is a true and correct copy of deposition exhibit 1508 (Bates number TEI-AT0193441).

30. Attached as **Exhibit 29** is a true and correct copy of deposition exhibit 1341 (Bates numbers ENDO-LID-AT-000689153-000689164).

31. Attached as **Exhibit 30** is a true and correct copy of deposition exhibit 1516 (Bates numbers ENDO-LID-AT-000840634 and ENDO-LID-AT-002282477-002282489).

32. Attached as **Exhibit 31** is a true and correct copy of deposition exhibit 1517 (Bates numbers ENDO-LID-AT-002282503-002282521).

33. Attached as **Exhibit 32** is a true and correct copy of deposition exhibit 1041 (Bates numbers ENDO-LID-AT-000318199-000318200).

34. Attached as **Exhibit 33** is a true and correct copy of deposition exhibit 1040 (Bates numbers ENDO-LID-AT-000170392-000170393).

35. Attached as **Exhibit 34** is a true and correct copy of deposition exhibit 1060 (Bates number TEI-AT0058629).

36. Attached as **Exhibit 35** is a true and correct copy of deposition exhibit 1176 (Bates numbers TEI-AT0262121 and TEI-AT0070963).

37. Attached as **Exhibit 36** is a true and correct copy of deposition exhibit 1148 (Bates number TEI-AT0058641).

38. Attached as **Exhibit 37** is a true and correct copy of deposition exhibit 1178 (Bates numbers TEI-AT0059254 and TEI-AT0304265-0304268).

39. Attached as **Exhibit 38** is a true and correct copy of deposition exhibit 1000 (Bates numbers ACTLIDODERM00110534-00110576).

40. Attached as **Exhibit 39** is a true and correct copy of deposition exhibit 1046 (Bates numbers ENDO-LID-AT-000624881-000624883).

41. Attached as **Exhibit 40** is a true and correct copy of deposition exhibit 1458 (Bates numbers ACTLIDODERM00022622-00022639).

42. Attached as **Exhibit 41** is a true and correct copy of deposition exhibit 1042 (Bates number ENDO-LID-AT-002093816).

43. Attached as **Exhibit 42** is a true and correct copy of deposition exhibit 1043 (Bates numbers ENDO-LID-AT-002280292-002280294).

44. Attached as **Exhibit 43** is a true and correct copy of deposition exhibit 1298 (Bates number ENDO-LID-AT000553729-000553730).

45. Attached as **Exhibit 44** is a true and correct copy of ENDO-LID-AT-000567050-000567060.

46. Attached as **Exhibit 45** is a true and correct copy of ENDO-LID-AT-000006676-000006679.

47. Attached as **Exhibit 46** is a true and correct copy of ENDO-LID-AT-000664279-000664281.

48. Attached as **Exhibit 47** is a true and correct copy of ENDO-LID-AT-000006710-000006733.

49. Attached as **Exhibit 48** is a true and correct copy of ENDO-LID-AT-002241252-002241255.

50. Attached as **Exhibit 49** is a true and correct copy of ENDO-LID-AT-000719836-000719839.

51. Attached as **Exhibit 50** is a true and correct copy of ENDO-LID-AT-000722528-000722530.

52. Attached as **Exhibit 51** is a true and correct copy of excerpts of deposition exhibit 1189A (Bates number ACTLIDODERM00132693R-00132694R).

53. Attached as **Exhibit 52** is a true and correct copy of ENDO-LID-AT-000779818.

54. Attached as **Exhibit 53** is a true and correct copy of deposition exhibit 1593 (excerpts of September 18, 2014 Investigational Hearing of Brian Lortie).

55. Attached as **Exhibit 54** is a true and correct copy of excerpts of deposition exhibit 1191 (Bates number ACTLIDODERM00104107R-00104255R).

Deposition and Discovery of Defendants

56. Attached as **Exhibit 55** is a true and correct copy of excerpts of the February 11, 2016 deposition of Andrew Boyer.

57. Attached as **Exhibit 56** is a true and correct copy of excerpts of the December 22, 2015 deposition of Roberto Cuca.

58. Attached as **Exhibit 57** is a true and correct copy of excerpts of the May 2, 2016 deposition of Noriyuki Shimoda.

59. Attached as **Exhibit 58** is a true and correct copy of excerpts of the January 28, 2016 deposition of Michael Speitz, Federal Rule of Civil Procedure 30(b)(6) designee for defendant Teikoku Pharma, USA, Inc.

60. Attached as **Exhibit 59** is a true and correct copy of Endo Pharmaceutical Inc.'s Second Amended Objections and Responses to Direct Purchaser Plaintiffs' First Set of Interrogatories (Interrogatory Nos. 2-3).

Depositions and Discovery of Plaintiffs

61. Each of the ten proposed class representatives has actively participated in the litigation and the prosecution of their claims. Each has reviewed pleadings; responded to discovery; and searched for, collected, and produced documents. Nine of the ten proposed class representatives sat for depositions and the tenth, Ms. Gallotto, responded to detailed interrogatories in lieu of a deposition, as agreed by the parties.

62. Attached as **Exhibit 60** is a true and correct copy of excerpts of the February 26, 2016 deposition of Veronica Dyer, the Rule 30(b)(6) designee for plaintiff Iron Workers District Council of New England Welfare Fund.

63. Attached as **Exhibit 61** is a true and correct copy of excerpts of the January 12, 2016 deposition of Glen Johnson, the Rule 30(b)(6) designee for plaintiff International Union of Operating Engineers Local 49 Health and Welfare Fund.

64. Attached as **Exhibit 62** is a true and correct copy of excerpts of the March 9, 2016 deposition of Rita Kostik, the Rule 30(b)(6) designee for plaintiff Welfare Plan of the International Union of Operating Engineers Locals 137, 137A, 137B, 137C, 137R.

65. Attached as **Exhibit 63** is a true and correct copy of excerpts of the March 16, 2016 deposition of Jerry Moore, Jr., the Rule 30(b)(6) designee for plaintiff International Union of Operating Engineers Local 132 Health and Welfare Fund.

66. Attached as **Exhibit 64** is a true and correct copy of excerpts of the February 19, 2016 deposition of Regina Reardon, the Rule 30(b)(6) designee for plaintiff United Food and Commercial Workers Local 1776 & Participating Employers Health and Welfare Fund.

67. Attached as **Exhibit 65** is a true and correct copy of excerpts of the March 24, 2016 deposition of Steven Roller.

68. Attached as **Exhibit 66** is a true and correct copy of excerpts of the February 9, 2016 deposition of Todd Thacker, the Rule 30(b)(6) designee for plaintiff NECA-IBEW Welfare Trust Fund.

69. Attached as **Exhibit 67** is a true and correct copy of excerpts of the March 23, 2016 deposition of Tamara Verush-Chesler, the Rule 30(b)(6) designee for plaintiff Allied Services Division Welfare Fund.

70. Attached as **Exhibit 68** is a true and correct copy of excerpts of the March 23, 2016 deposition of Margaret Wingate, the Rule 30(b)(6) designee for plaintiff City of Providence.

71. Attached as **Exhibit 69** is a true and correct copy of End-Payor Plaintiffs' Objections and Responses to Defendant Endo Pharmaceuticals Inc.'s Second Set of Interrogatories to End-Payor Plaintiff Letizia Gallotto.

Miscellaneous

72. Attached as **Exhibit 70** is a true and correct copy of a January 2010 Federal Trade Commission Staff Study titled “Pay-for-Delay: How Drug Company Pay-Offs Cost Consumers Billions,” *available at* <https://www.ftc.gov/sites/default/files/documents/reports/pay-delay-how-drug-company-pay-offs-cost-consumers-billions-federal-trade-commission-staff-study/100112payfordelayrpt.pdf>.

73. Attached as **Exhibit 71** is a chart containing relevant portions of the state laws asserted in End-Payor Plaintiffs’ Corrected Third Consolidated Amended Complaint.

74. Attached as **Exhibit 72** is End-Payors Plaintiffs’ proposed Trial Management Plan.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 17th day of June, 2016 at San Francisco, California

/s/ Dena C. Sharp

Dena C. Sharp